IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

LA.App..No. 1327 of 2000

LAR.21/1989 of SUB COURT,KOTTARAKKARA
.....

APPELLANT/ CLAIMANT:

A. KARUNAKARAN SURES HKUMAR,
SREE VILASOM, EZHUKONE MURI,
KOTTARAKKARA TALUK.

BY ADV. SRI.C.V.VASUDEVAN
SMT.V.SUJATHA

RESPONDENTS/ RESPONDENT AND ADDL. 2ND RESPONDENT:
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1. STATE OF KERALA, REP. BY
CHIEF SECRETARY,
SECRETARIAT BUILDINGS,
TRIVANDRUM.

2. SECRETARY, KERALA STATE ELECTRICITY BOARD,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 1327 OF 2000

Dated this the 29th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 21/1989 on the file of the Sub Court, Kottarakkara.

2. One of the main contentions taken by the claimant is that 52 sq. meters of the property has not been taken into consideration on the ground that the said property is shown as 'road puramboke'. According to the appellant, it is the property left after acquisition and the same happened to be on the side of the road after acquisition and that extent has become useless also. It is seen that in a similar case, this Court had remanded the matter by judgment in L.A.A. No. 1355/2000.

For parity of reasons, we set aside the judgment and decree in L.A.R. No. 21/1989 on the file of the Sub Court, Kottarakkara and remit the matter to the reference court for fresh consideration as directed by this Court in the judgment referred

to above. It will be open to the parties to adduce fresh evidence. The reference shall be disposed of within a period of six months. In view of the remand as above, the appellant shall be entitled to refund of the court fee.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 1327 OF 2000

J U D G M E N T

29.10.2007